

1 Stacy A. Smith, Esq. (CA Bar No. 219034)
2 PIERCE & SHEARER LLP
2483 East Bayshore Road, Suite 202
3 Palo Alto, CA 94303
Telephone: (650) 843-1900
4 Facsimile: (650) 843-1999
5 Attorneys for Plaintiff AMERICAN MOTORISTS
INSURANCE COMPANY
6
7

8 **IN THE UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**
11

12 AMERICAN MOTORISTS INSURANCE
13 COMPANY, an Illinois corporation,

14 Plaintiff,

15 v.

16 CRP CONSTRUCTION COMPANY;
17 DMA GILROY PARTNERS, LLC;
RONALD DANIELS; STATE OF
18 CALIFORNIA; CALIFORNIA
DEPARTMENT OF
19 TRANSPORTATION; CITY OF
20 GILROY; CHRISP COMPANY; KEITH
21 B. HIGGINS AND ASSOCIATES, INC.;
ROBERT F. ENZ CONSTRUCTION,
22 INC., and DOES 1 through 30,

23 Defendants.
24
25
26
27
28

Case No. 07-CV-5263 RS

**NOTICE OF ENTRY OF
DISMISSAL WITH PREJUDICE
AND WITHOUT COSTS**

1 PLEASE TAKE NOTICE:

2 This action is dismissed with prejudice and without costs, pursuant to the Joint
3 Stipulation Of Dismissal And Order Of Dismissal signed by The Honorable Richard
4 Seeborg on January 23, 2008, attached hereto as Exhibit A.
5

6
7 Dated: February 4, 2008

Respectfully Submitted,

8 PIERCE & SHEARER, LLP
9

10
11 By: /s/ Stacy A. Smith

12 Stacy A. Smith

13 Attorneys for AMERICAN MOTORISTS
14 INSURANCE COMPANY
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PIERCE & SHEARER LLP
2483 E. Bayshore Road, Suite 202, Palo Alto, CA 94303
PHONE (650) 843-1900 • FAX (650) 843-1999

CERTIFICATE OF SERVICE

I, Christina Yanacek, declare as follows:

I am over eighteen years of age and not a party to the within action. I am employed in Santa Clara County, California. My business address is 2483 E. Bayshore Road, Suite 202, Palo Alto, California 94303.

On February 4, 2008, I served a copy of the following:

**NOTICE OF ENTRY OF DISMISSAL WITH PREJUDICE
AND WITHOUT COSTS**

on the parties named below as follows:

SEE ATTACHED SERVICE LIST

☒ **BY U.S. MAIL:** I am readily familiar with my employer's practice for collection and processing of correspondence for mailing with the United States Postal Service. I served said document(s) by following ordinary business practice and placing said document(s) in a sealed envelope for collection and mailing. In the ordinary course of business, said document(s) would have been deposited for first-class delivery with the United States Postal Service, with postage fully prepaid, the same day as placed for deposit. Each envelope bore the name and address of the person served as follows:

☐ **VIA FACSIMILE:** By transmission by facsimile machine telephone number (650) 843-1999 to the fax numbers listed with the names above.

☐ **BY PERSONAL SERVICE:** By personally delivering said document(s) to the following:

☐ **BY OVERNIGHT DELIVERY:** I delivered the envelopes to FedEx for overnight delivery to the office(s) of the above addressee(s).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on February 4, 2008 at Palo Alto, California.

SERVICE LIST

Attorneys For CRP Construction Company And DMA Gilroy Partners, LLC:	Attorneys For City Of Gilroy:
Linda Wendell Hsu, Esq. SELMAN BREITMAN LLP] 33 New Montgomery, 6th Floor San Francisco, CA 94105 Telephone: (415) 979-2024 Facsimile: (415) 979-2099 Email: lhsu@selmanbreitman.com	Timothy J. Schmal, Esq. BURTON, VOLKMANN & SCHMAL LLP 133 Mission Street, Ste. 102 Santa Cruz, CA 95060 Telephone: (831) 425-5023 Facsimile: (831) 427-3159 Email: tjs@bvslp.com
Attorneys For Robert F. Enz. Construction, Inc.:	Attorneys For California Department Of Transportation And State Of California:
Clay A. Coelho, Esq. MERRILL, NOMURA & MOLINEUX 250 Rose Street Danville, CA 94526 Telephone: (925) 833-1000 ext. 5 Facsimile: (925) 833-1001 Email: ccoelho@merrillnomura.com	David Sullivan, Esq. CALTRANS Legal Office 595 Market Street, #1700 San Francisco, CA 94105 Telephone: (415) 982-3130 Facsimile: (415) 904-2333 Email: david_sullivan@dot.ca.gov
Attorneys For Keith B. Higgins & Associates, Inc.:	Attorneys For Chrisp Company:
Thorsten J. Pray, Esq. GORDON & REES 275 Batter Street, Suite 2000 San Francisco, CA 94111 Telephone: (415) 986-5900 Facsimile: (415) 986-8054 Email: tpray@gordonrees.com	James F. Hetherington, Esq. JENKINS, GOODMAN, NEUMAN & HAMILTON 417 Montgomery Street, 10th Floor San Francisco, CA 94104 Telephone: (415) 705-0400 Facsimile: (415) 705-0411 Email: jhetherington@jgn.com
Authorized Representative For Steadfast Insurance Company:	
Kelli Belpedio, Claim Specialist P.O. Box 66975 Chicago, IL 60666-0975 Telephone: (847) 605-6097 Facsimile: (847) 413-5714 Email: Kelli.belpedio@zurichna.com	